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CROMWELL'S CONSTITUTIONAL AIMS.

WE have been taught of late to regard Cromwell as an Opportunist, and if all that is meant is that he changed from time to time the methods by which he hoped to accomplish a fixed aim, I have nothing to say against the employment of the term, except that it is hardly distinctive enough to separate him from other statesmen of equal eminence. It, however, is intended to imply that he had no fixed aim at all, except to reach a vague and unspecified Settlement, which was to give to his Government that national support without which no political system can hope to endure, I think there is good reason to dispute its applicability to the case.

No doubt the view here referred to is plausible enough. After the violent dissolution of the Long Parliament, Cromwell in turn supported systems as opposed to one another as those of the Nominated or—as it is commonly styled—the Barebones Parliament; the Instrument of Government; arbitrary rule with the help of the Major-Generals; the new Parliamentary Constitution of the Humble Petition and Advice; and, to all appearance, would have rallied to yet another plan if his career had not been cut short by death. What I propose to show is that under these differences there lay one and the same principle, firmly grasped, and that whether that principle be for us an object of praise or blame, it must be taken into account in any judgment which we think good to formulate of the man and his work.

No part of Cromwell's career is more difficult for the modern politician to understand than his resolution, after the break-up of the Long Parliament, to side with the dreamer Harrison rather than

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with Lambert, that incarnation of common sense, by placing the government in the hands of a body selected by the chief officers of the army out of the list drawn up by Congregationalist ministers. That many of those so chosen should be fanatics with impossible ideas was no more than was to be expected, and the only wonder is that men who were not fanatics found seats at all. The speech in which Cromwell surrendered authority into the hands of this assembly is fuller of enthusiasm, or, as many will say, of fanaticism, than any other of his utterances. Yet there is one passage in it which throws some light upon the reasoning which had induced him to take so strange a resolution.*

If it were a time to compare your standing with that of those that have been called by the suffrages of the People—Which who can tell how soon God may fit the people for such a thing? None can desire it more than I! Would all were the Lord's People; as it was said, "Would all the Lord's People were Prophets!" I would all were fit to be called so. It ought to be the longing of our hearts to see men brought to own the interest of Jesus Christ: and give me leave to say: If I know anything in the world, what is there likelier to win the People to the Interest of Jesus Christ, to the love of Godliness (and therefore what stronger duty lies on you being thus called), than an humble and godly conversation? So that they may see that you love them; that you lay yourselves out, time and spirits, for them! Is not this the likeliest way to bring them to their liberties. . . . At least, you convince them that, as men fearing God have fought them out of their bondage under the regal power, so men fearing God do now rule them in the fear of God, and take care to administer good unto them.

Stripped of the specially religious language in which the thought is clothed, the sense from a constitutional point of view is clear enough. The whole struggle against regal power had been carried on by a minority. The whole burden of government in the interest of the nation must be entrusted to a minority composed of the godly or honest people of the nation, in the hope that the broad views and beneficent actions of this minority would in time convert it into a majority. So far as I know, Cromwell never swerved from this view of the national requirements. To the end of his life he strove to maintain the ascendancy of a Puritan oligarchy. It is this that differentiates him from rulers like Napoleon, who built absolute power on the basis of democratic opinion. It is this too which explains why the system of Cromwell vanished after his death, whilst the system of Napoleon held France captive long after his death, and to some extent still endures to the present day.

* I adopt here Carlyle's version, though it is eked out by explanatory words, as at the same time most widely known and most intelligible.



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After the failure of the Nominated Parliament came the Instrument of Government. Cromwell had swung round to Lambert's side, and though the Instrument itself was drawn up without his co-operation, it is inconceivable that during the weeks that preceded its redaction, Cromwell and Lambert had not come to some understanding as to its general principles. In some of its stipulations, indeed, it resembled the American Presidential system, but it would, I fancy, be hard to find an American to approve of it, as its leading features are marked by that distrust of the people which is foreign to the American mind. Yet it is by these very features that it is brought into line with the speech to the Nominated Parliament. Protector and Council take the place of the Nominees, and nullify the legislative omnipotence accorded to the latter, first by their own uncontrolled executive authority, secondly by the right of refusing admission to Parliament of members duly elected, and thirdly by the right accorded to them of raising sufficient supplies to keep on foot an army of 30,000 men, combined with an adequate navy, as well as £200,000 for purposes of domestic government. When a breach came between Protector and Parliament it came on the point of financial control—in other words on the question whether government was to be directed by the representatives chosen by the electors, or the small number of men who supported the Protector in resisting this demand.

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After the dissolution, Cromwell's effort to govern constitutionally according to the Instrument broke down, and in October, 1655, the Major-Generals were appointed whose action more than anything else has branded the system of the Protectorate as a military despotism. It is however worth while to ask whether this new system which, at first sight, looks like one of force, pure and simple, found any argumentative support, and I now propose to show that it did, and also that the reasoning employed was precisely of the same character as that of the extract I have already made from Cromwell's speech to the Nominated Parliament.

In December, 1655, a few weeks after the Major-Generals had got to work, considerable sensation was caused at Whitehall by the public reading of a manifesto signed by Vavasor Powell and 323 of his Baptist followers in North Wales. The manifesto spoke with extreme bitterness of Cromwell's personal character, and denounced him in no measured language for breaking the law by dissolving the Long Parliament, as well as for re-establishing the monarchy and for other crimes. On January 23, 1656, was published, under the title of "Plain Dealing," a reply by Samuel Richardson, a Baptist who did not share the extreme views of that section amongst which Powell was to be found. Richardson's argument was that the Government was not a monarchy, the authority being exercised by Protector and Council, and not by Protector alone; that it deserved

support as having established the "noble principle" of refusing to "the civil magistrate a coercive power in matters merely religious," whilst there was no reason to suppose that a return to Parliamentary government would be of any advantage.

"There is no ground," he wrote, "to believe that the people of this nation would ever have given us this freedom, or that any Parliament chosen by them would ever give us this freedom, seeing the Ministers and magistrates cannot see that the bond between magistracy and people is essentially civil."

Richardson's argument however, informing as it is, may be passed over in favour of an anonymous pamphlet published a week later under the title of "*Animadversions upon a Letter and Paper first sent to His Highness by certain Gentlemen and others in Wales.*" So firmly does the author handle his theme, and so strongly does he insist on his disagreement with all existing parties, that when I first read this pamphlet I was inclined to attribute it to Hobbes, the result at which it arrives being in accordance with what might be expected from the author of the *Leviathan*. Wood however ascribes it without hesitation to William Sedgwick of Ely, and though it is difficult to think of it as proceeding from that feather-brained writer, there are passages in it which accord with this ascription, whilst there are others which, unless they had been inserted as a blind, could not have been written by Hobbes. In this case, however, the matter is of more importance than the name of the author, especially as it cannot have proceeded from a thorough-going Cromwellian.

Under these circumstances we can easily understand Thurloe's bewilderment. "There are animadversions," he wrote to Henry Cromwell, in sending him a copy,

"of a very strange and extraordinary nature. It is hard to judge whether they be for us or against us. This book stole out into the world, and now it is abroad I know not whether it be fit or convenient to stile it."*

All the better for the historian who can profit by a pronouncement free from party bias. We find the author opening his main argument by a suggestion that the political Baptists had mistaken the promptings of their resentment at the failure of their own system to obtain general acceptance. He then proceeds to a characterisation of Cromwell, which, if it lacks something of the rhythmical exuberance of Milton's sketch, is at least a portrait drawn by a firm hand, and presenting the problem of the Protector's qualities of mind in a way which no other commentator in those days thought of

* *Thurloe*, iv., 505.

doing. After dwelling on Cromwell's magnanimity and achievements, he continues in this fashion:—

"Yet he hath no reason at all to be proud, nor we much reason to boast of him; for, though these are excellent things, yet they have been shadowed and sullied with very great weakness that doth much eclipse their lustre; for, besides the dirt that malice cast upon him, and the pollution contracted from the nature of his work, which hath been destroying work, and so impure; besides these, I say, there is personal weakness, rash passions, sudden engaging for and as sudden turning from things, which shows want of foresight, incontinency, and inconstancy of mind, some violent strains and leaps which have stretched conscience and credit, large promises to oblige parties and persons, and too short performances to give satisfaction, which shew a merit not standing firmly upon its own basis of truth, but carried off into looser ways of policy; and though the tottering state of things may seem to excuse it, yet certainly such actings so disproportionable to the truth and faithfulness of God do more shake him, and with him the public peace, than anything in the world."

Here, at all events, is a man who sees the problem which modern writers are called upon to solve. In reading what follows, it must be remembered that the Welsh Baptists, refusing to Cromwell the title of Protector, had styled him merely "the Lord General."

"But notwithstanding these," proceeds our pamphleteer, "or if not these, whatever other weakness may cleave to him before Oliver Protector and all his train of greatness; and that his naked person, with what God hath done in him and by him, hath really more dignity and majesty upon it than if he had with his Protectorship fetched from Westminster all the honours and titles of all the Kings of England; and, therefore, I think, whatever may be fancied, the subscribers have done him no real injury in writing to Oliver Cromwell."

Turning from the person of the Protector to his system of government, the writer finds the kernel of it in the army:—

"The absolutest and perfectest power in the earth, having the substance of all government in it, it gives both reason and being of all government—safety—and the name also whence all Governments are called Powers and The Sword in Scripture, and that which makes it very suitable to this season, that having the forces in our hands we have our lives and liberties secured, and so may quietly wait for more light, and are free to dispose of ourselves according to the best light and understanding that shall be brought amongst us."

Moreover, the title of "Captain-General of all the forces of England, Scotland and Ireland" not only extinguished the three distinct kingdoms and their Governments,

"but lays waste the pales whereby they were formerly divided, and turns them all into one militia, under the command of one general; for the command of the forces of all three kingdoms is both a greater power, and of another kind, and must needs swallow up the three particular Governments into itself, which is a large field that we are brought into; that now the General of these forces hath an unlimited power to enlarge his militia, to take in all honest men if he please, and to give them what pay he judges reasonable; and, in order to it, to raise what money he pleases in the three nations, to restrain and secure what persons he suspects to be disturbers of his army and command, to inflict what punishment he pleases upon his enemies, to make what constitutions he will for the securing of these forces, and to repeal all laws that are against their safety and quiet; these things are natural and essential to a General in and with his army, which will be accounted absurd for either King or Protector of England to do. So royal and absolute authority in the hands of an honest General entrusted for and in fellowship with the whole party in a capacity distinct from the nation's is a thing worth remembering."

Nevertheless, our author cannot allow Government to rest on pure force. There must be in it some distinguishing character to the advantage of the governed. He therefore proceeds to argue that it was Cromwell's aim "to have an honest regiment, then an honest army, at least under honest officers." It was owing to him therefore that "the honest people"—Cromwell himself would have said "the godly people"—had "obtained an outward and visible power in the earth." Without him that honest party would in all probability fall into division and confusion. "Therefore you have reason to challenge him to be General of all the force, they consisting by him, and we in and by them."

To anyone who has striven to unravel the mysteries of Cromwell's character and work, the historic insight displayed in these passages is indeed marvellous. No doubt the writer has not sounded all the depths of the Protector's mind, has not drawn attention to his eagerness to throw off the character of a military ruler, has not done justice to the popular resistance to military rule in any shape or form. He has, however, seized on the essential facts of the situation—the establishment of a Puritan oligarchy by means of a Puritan army—or, as he would prefer to say, of an honest oligarchy by means of an honest army, which is in reality the dominating fact of the Cromwellian Protectorate. All the well-worn comments on Cromwell's hostility to Parliamentary institutions may be justified from the point of view of the nineteenth century. They do not touch the situation as it existed in Cromwell's own mind. They may be in place in a treatise on constitutional development. They are out of place in any attempt to judge Cromwell in the light of his own beliefs.

The remainder of the pamphlet is occupied by a crushing

exposure of the unreasonableness of the Welsh memorialists. It would take up far too much space to treat this part of the pamphlet in detail. It is enough to notice the averment of the writer that the Long Parliament, when once it had broken with the King, had no legal right or authority whatever. Its whole power to govern was derived from the army that supported it. "Were it not for the strength, honour and success of the army, that which we call Parliament, Government and Commonwealth, would have been made Confederacy* and Rebellion." Those who set up may pull down, and there was nothing illegal in the dissolution of that Parliament by the soldiers, or in the subsequent political mutations under the same authority. Then comes an attack on the constitution of former Parliaments:—

"A Parliament is a worldly, earthly constitution, consisting of worldly matter—gentlemen of estates, and chosen by [the] People, in the capacity only of possessing so much land, without respect at all had in Electors or Elected to any characters of Grace or Anointing, and, therefore, 'tis the interest of the World not of the Saints, a part of the Fourth Monarchy, not of the Fifth; the strength of the kingdoms of this world, not of the Kingdom of Christ, formed by custom in the darkness and enmity of the world, not in the light and wisdom of Christ."

After this outburst he slips back into more mundane considerations. Their demand for a free Parliament, he tells the Welshmen, is absurd, as coming from them, seeing that "the greater number of the people of the nation are either malignant and opposing Reformation or lately offended at it, or neutral and sottishly mindless of anything but their profit." If, on the other hand, only "honest men" were allowed to have a vote, they were so divided into sects and parties, and therefore so certain to choose ignorant and unworthy men of their own party, that a Parliament elected by them would be a mere cave of the contending winds. Such a Parliament would be like the Beast in Revelations, which did rise out of the sea, the people of this nation being but a multitude of confused tongues, languages and voices, and carried this way and that way by the breath and spirits of men.

If such a Parliament were to meet, would "the Dragon"—that is to say, the Army—give them his power, his seat and his great authority? A conflict there must be, for "there is no Parliament that can meet, if they have the courage to own their privileges, but must condemn, not only the late acts, but the very power and being of the Army as it now stands." A Free Parliament was, therefore, impossible, "for if they are not a Beast the sword will make them one, and drive them which way it please." —

* Probably a misprint for conspiracy.

As for right to govern, it belonged to "honest men, who, with the jeopardy of their lives, rescued themselves from slavery—by a birth of Providence—if I may so call it—whereby they are brought forth into a distinct outward and military body, and entrusted with the power of the sword, and so of the nation." Then comes a statement which those who write in the old familiar strain about the Major-Generals and decimation will do well to ponder:—

"Tis a thing that the Protector hath seemed a long time to design, and that good people have talked of; that honest men should only have place and power; and yet now we have it we either mind it not or know not which way to settle it. I do heartily wish that we understood what a prize we have in our hand, and had light and judgment, either to keep it justly or resign it wisely."

It is necessary to hurry to a conclusion, or we might linger over the view that it was a sad pity that the Protector had sworn to the Instrument, and so bound himself to written formulas; and the prediction that "these withs and new cords will not bind Sampson next time danger is upon him," or at the *obiter dicta*—"I question whether that saints, as saints, are fit to govern." "Military government, as ours is, knows no form of law." "I question whether the trial of such gentlemen according to the fundamental law would not be to them a fair trial, but a foul one, and therefore the Protector chooses a fair imprisonment rather than a bloody trial, not willing to trust their lives in the hand of the law, a judge and a jury."

The sum of it all is that the best of Governments is a monarchy acting with the advice of a small council, and also of a larger one.

"And we judge it wisely disposed by Providence into such hands who are large in their spirits to comprehend and take into employment and love all sorts of honest men, whereby the sword is more easy, the work more secure, and greater hopes of peace: whereas, if we should join with you to get the sword into your hands the sword will be the sword still, and in men's hands of narrower spirits, which would make it more dangerous and more cruel."

Was this ideal of a Puritan or honest oligarchy realised, in intention at least, in the system of the Major-Generals? I am inclined to think that it was. There has been a natural tendency to confine our view of the Major-Generals to their police-measures against the Royalists, and to the heavy taxation they imposed on the King's partizans. There is another side to their activity on which stress was laid by Mr. Rannie in a contribution to the *Historical Review* in 1895, namely, the effort to secure social reform according to the ideas of the day. It was in their time that the Cromwellian idea of ejecting unworthy ministers from their benefices was for the first time actually enforced.

It was then that Pride performed the notable feat of killing bears with his own hand. It was then that hundreds of inns and alehouses were suppressed, and that travellers arriving in London on Saturday night were not allowed admission to an inn unless they would engage not to go out into the streets, except to attend Divine worship, till Monday morning. Who shall say to what extent the reaction against Puritanism was fostered, not by Puritan legislation, but by the actual enforcement of decrees which hitherto had seldom reached the stage of practice?

But, it may be asked, was not government by Major-Generals a purely military rule, having nothing to do with constitutional ideas? The fact is that the memory of that generation fixed on the military side and forgot the constitutional. Just as everyone talked—as they talk now—of the Protector and said nothing about his Council, so they talked of Major-Generals, and said nothing about the Commissioners associated with them. The Major-General no doubt was, so to speak, the noun-substantive; and the Commissioners the noun-adjective. Yet the one was incomplete without the other. The system transferred to the counties was almost identical with the one accepted in the centre of the national government. It was a Cromwellian oligarchy stiffened by its dependence on an energetic soldier, accustomed to the management of men, and having ideas of government which his colleagues had been selected to assist him in carrying out. The main difficulty lay not with the counties, but with the corporations. How Cromwell proposed to deal with corporations by the erection of a Cromwellian oligarchy has been shown by Mr. Round in *The Nineteenth Century* for December last. His paper, interesting and important in itself, is much more interesting and important if read in the light of surrounding events.

Major-Generals and Commissioners, however, failed to secure acceptance, and passed into the limbo of Cromwell's failures. For there was substituted the new constitution accepted by Parliament in 1657. Here, at last, it may be said we are on firm constitutional ground. Parliament has regained its power, its right of voting supplies, of forbidding the exclusion of elected members by the mere will of the Council, and so forth. Yet even then Cromwell had secured a means of re-establishing his darling system. The Cromwellian oligarchy was now to be looked for less in the Council than in the House of Lords. That body was deliberately organised with the intention of checking the errors of the people. After the Protector had once nominated its members from amongst his leading supporters, no new member could take his seat without the consent of the House, so that if any future Protector should think of creating Peers—as a Queen afterwards did after the Peace of Utrecht—in order to bring that House into conformity with the House of Commons, the sitting members could reject them, and thereby defy all the vehemency of

a House of Commons even if it had the nation behind it. That such a scheme should have been adopted sounds like Midsummer-madness. That it was so adopted shows that Cromwell, even in accepting constitutional in the place of military rule, battled to the last for that Puritan oligarchy without which his Government was doomed. We may condemn, as I have already said, the line of thought which considered the maintenance of such a system possible. We have no right to charge Cromwell with conscious tyranny and law-breaking, because he strove, with the utmost versatility, to mould his Government in such a fashion as to place it above the waves of popular discontent.

SAMUEL R. GARDINER.

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